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21 April, 1999

Dockets Management Branch (HFA-305)  
Docket No. 98N-1038  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

Good day:

This communiqué is sent with respect to impending decisions concerning irradiated food labeling requirements.

The command over food labeling is naturally skewed toward the producer and manufacturer. Although the FDA should ignore neither consumer nor commercial interests, it seems this agencies primary function is that of equalizer. The FDA must chiefly safeguard the consumers well being, balancing the power differential.

To reduce the complexity of food labeling to a most basic form, I will consider there to be two beneficial segments: one being manufacturers and industry, the other being the consumer. Focusing on consumer interests, the informational portion of the food label intuitively exists to provide data consumers utilize when making informed decisions about the foods they buy. Under this postulate, the only reason to limit label information is for sheer practicality. The challenge is to accommodate the consumer group, without causing undue harm to manufacturers or industry.

The first question to be answered is whether labeling should be required at all. Providing there is no reasonable commercial impairment, even the smallest group of interested consumers should provide adequate incentive to require labeling. Given the actual size of the concerned consumer group, requirement seems compelling.

One of industry's primary arguments is that labeling of irradiated foods may be a potential impediment to sales. This position highlights the bifurcation of interests between industry and consumers. The implication is that sales reduction, for any reason, is a negative outcome. This position is fatuous in that if accepted as valid, virtually all informational labeling would need to be removed in case it deterred the purchase of any product. The design of informative customer labeling is to permit selectiveness, and thus enforce the competitive economic process. Informative labeling forces companies to

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pay attention to consumer demand, rather than prosper by more furtive methods.

Turning to labeling specifics, two issues require investigation: the use of terminology, and that of symbolism. Addressing the issue of terminology first, maximum conveyance is achieved by simply posting "irradiated" or "irradiated contents" on food products that have been subjected to this process, or contain ingredients that have been irradiated. On the surface, industry proponents seem to have a somewhat valid concern with the use of this term. I grant the word "irradiated" may cause some consumer anxiety, and could possibly lead to sales loss. This phenomenon is only valid, however, if such anxiety is manifest due to unfamiliarity with the issues of irradiation. Informed dislike of the procedure is not a legitimate objection to consumer decisions to not purchase an irradiated product. Uninformed reaction does not indicate reason for labeling restrictions either. Instead, education to permit informed choice is the better resolution, and should be the focus of everyone's efforts

Likewise, it has been suggested that the designation be changed to "cold pasteurizing" or "electronic pasteurization", but changing the language to nestle in with other processes that are more widely understood and accepted is misleading. Association with some known process is easier and safer for industry, but is nothing less than deception. Again, education for informed choice is preferable. Removing information to avoid this hurdle is a poor approach to the problem of naivete.

Turning to the insignia issue, the existing "Radura" symbol seems to present no negativism; therefore, the issue of customer anxiety is moot. The appearance of this symbol is completely innocuous. I perceive no possibility of this symbol causing consumer revolt; it seems to have been cleverly constructed to avoid any correlation with radiation. A disproportionate size requirement may lead to consumer overreaction and should be avoided. If proportion requirements remain realistic, no injury will be conveyed to industry affiliates. Coincidentally, proportion should also prevent obscurity. Despite the ambiguous nature of the "Radura" symbol, no objection to maintaining its current form is warranted, and there should be no objection to its' required use. Furthermore, the argument for use of the "Radura" symbol is supported by Codex requirements, and indicates international advocacy.

Commensurate with the requirements for packaged foods, use of the same labeling should be mandated for bulk food items. The absence of packaging should not diminish the perceived value of food products in any way, nor should treatment of these goods render such impression. Stickers provided for display on dispensing bins certainly presents no menacing challenge.

The last issue is that of assigning an expiration date to any or all specified labeling requirements. I fail to understand how the usefulness of informative labeling erodes with time. If the same argument were made about ingredient lists now required, the suggestion would seem inane. The obvious flaw is that even if a product remains widely distributed and unchanged for an extended period, there will always be new buyers who will wish to evaluate these items against other similar products. Denying these people practical information that was available to others, because of the passage of time, is folly.

Undoubtedly the FDA is petitioned by industry to limit requirements for labeling of irradiated foods. Their arguments will attempt to trivialize the procedure as benign, and there are those in the consumer group that would agree with them. However, the FDA is the fiduciary for the entire consumer sector, and must act to represent the whole group. It seems evident that a significant portion of the consumer segment considers the irradiation process consequential when choosing foods. Those that are not concerned will suffer no ill effects from required labeling; they can merely ignore it, as some now do with required nutritional charts and ingredient lists. It is clear industry will be unharmed by constant, specific, reasonable labeling requirements. Certainly, they may be forced to respond to customer preference, but this is precisely the concept of our free enterprise system.

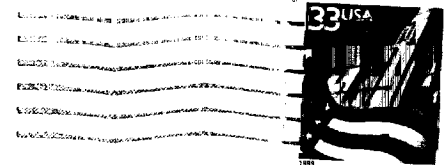
Considering the salient issues, it seems the only logical FDA pronouncement is to require the specific indicative labeling of irradiated foods. Reasonably sized "Radura" symbols with the accompanying word "irradiated" or words "irradiated contents" in type size and configuration equivalent to that of the ingredient list is fair to all parties and presents no justifiable or penetrating limitations to industry.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald Rimmer". The signature is fluid and somewhat stylized, with a large initial "D".

Donald Rimmer

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